Military Reprisal Investigations (MRI)

Reprisal Defined

Taking *(or threatening to take)* an unfavorable personnel action or withholding *(or threatening to withhold)* a favorable personnel action for making, preparing to make, or being perceived as making or preparing a protected communication.

4 Elements of Reprisal

1. Protected Communication (PC)

2. Unfavorable Personnel Action (UPA)

3. Responsible Management Official (RMO)
   Knowledge of the Protected Communication

4. Linkage

Protected Communication (PC) Type 1 of 3

Any *lawful communication* made by a member of the Armed Forces to a Member of Congress or an Inspector General regardless of the subject of the disclosure.

Protected Communication (PC) Type 2 of 3

A communication that the member reasonably believes evidences a violation of law or regulation (*including sexual harassment, rape, sexual assault, other sexual misconduct, unlawful discrimination, mismanagement, a waste of funds or other resources, an abuse of authority)* or a substantial and specific danger to public health or safety, when such communication is made to any of the following:

Protected Communication (PC) Type 2 of 3 (cont.)

1. A member of a DoD audit, inspection, investigation, or law enforcement organization

2. Any other person or organization (including any person or organization in the chain-of-command) or established administrative procedures to receive such complaints

3. A court-martial proceeding

Protected Communication (PC) Type 3 of 3

Testimony, or otherwise participating in or assisting in an investigation or proceeding related to a protected communication, or filing, causing to be filed, participating in, or otherwise assisting in an action resulting from a complaint of reprisal.

Unfavorable Personnel Action (UPA)

Any action taken against a member of the Armed Forces that affects or has a potential to affect that military member's current position or career.

Responsible Management Official (RMO) Knowledge

RMO

- Influenced or recommended the action be taken
- Made the decision to take the action
- Approved, reviewed, or endorsed the action

Knowledge

- Personally receiving the protected communication
- Hearing rumors about the protected communication
- Suspicion or belief that the complainant may have

Command IG Responsibilities

When a CIG receives a complaint that:

- Explicitly states, “reprisal,” “retribution,” etc.

OR

- *Describes a situation* in which the Complainant has suffered and UPA as a result of making a PC

the CIG must:

1. CREATE a CMS case
2. ANALYZE the complaint
3. Answer three questions, and provide the results to the IGMC

Three Questions

1. Was there a PC?

2. Was there a UPA?

3. Did the RMO know about the PC beforehand?

How to Report to IGMC

Gather information and provide it to the IGMC in the template provided in the MTT course materials.

The inquiry could be based on as little as the evidence provided in the original complaint, or may require additional documents or interviews with witnesses.

Never interview the Subject.

How to Report to IGMC

Gather information:

1. Written complaint or notes from the complaint taken telephonically
2. Complainant's screening or clarification interview
3. Copies (or other evidence) of the PCs and UPAs
4. Create a chronology of events, including the dates when PCs were made, UPAs occurred, and RMOs learned of the PCs
5. Relevant information from other witnesses
6. DO NOT CONTACT THE SUBJECT

How to Report to IGMC

Timeliness is essential.

By statute, the Marine Corps has only 10 calendar days from when the CIG receives the complaint to when the IGMC must inform DoD IG.

In this time, the IGMC must review the information provided by the CIG and draft correspondence to DoD IG recommending a course of action.

MRI Complaint Analysis

QUESTIONS?